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SRI LANKA

**TREATMENT OF TAMIL
MINORITY**

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Executive Summary

According to some reports prepared by foreign government and international human rights and immigration/asylum organizations, the Tamil ethnic minority has continued to face ill-treatment and harm in Sri Lanka since the Tamil insurgents laid down their guns in May 2009. Other reports, however, indicate that “those perceived to be, or have been, involved with the Liberation Tigers of Tamil Eelam (LTTE)” are the ones who are primarily ill-treated and harassed, while the situation of the Tamil minority as a whole has generally improved.

I. Current Treatment of Tamils in Sri Lanka

A. UN Reports

According to the 2011 UN Panel of experts report on Sri Lanka, “[n]early two years after the end of the fighting, the root causes of the ethno-nationalist conflict between the Sinhalese and Tamil populations of Sri Lanka remain largely unaddressed and human rights violations continue. There are consistent reports of such activities, some committed by agents of the State or state-sponsored paramilitaries; these include arbitrary detention without trial, abductions and disappearances, killings, attacks on the media and other threatening conduct.”¹

UNHCR Eligibility Guidelines issued in 2010, however, note that “[i]n light of the improved human rights and security situation in Sri Lanka, there is no longer a need for ... a presumption of eligibility [for refugee protection] for Sri Lankans of Tamil ethnicity originating from the north of the country.”²

B. US Government Reports

According to a 2011 State Department Country report, “[t]he major human rights problems were unlawful killings by security forces and government-allied paramilitary groups,

¹ UNITED NATIONS, REPORT OF THE SECRETARY-GENERAL’S PANEL OF EXPERTS ON ACCOUNTABILITY IN SRI LANKA para. 428 (Mar. 31, 2011), http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf.

² United Nations High Commissioner for Refugees (UNHCR), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, HRC/EG/SLK/10/03 (July 5, 2010), <http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf>.

often in predominantly Tamil areas.”³ The report adds that attacks and harassment had targeted “persons viewed as Liberation Tigers of Tamil Eelam (LTTE) sympathizers.”⁴ The report also adds that, “[d]iscrimination against persons with disabilities and against the ethnic Tamil minority continued, and a disproportionate number of victims of human rights violations were Tamils.”⁵

C. Foreign Immigration Reports and Decisions

The 2011 Country Advice for Sri Lanka by the Australian Refugee Review Tribunal finds that “Tamils continue to face harassment and discrimination, particularly those perceived to be, or have been, involved with the Liberation Tigers of Tamil Eelam (LTTE).”⁶

A 2011 decision by the Refugee Protection Division of Canada’s Immigration and Refugee Board found that “[t]he situation for persons suspected of having links with the LTTE remains forbidding. There are allegations from a number of sources that indicate that such persons face torture and death in detention. Prison conditions are poor. Moreover, LTTE members, and those suspected of having links with the LTTE, are still being apprehended by authorities.”⁷ However, “life for the remaining Tamil population has improved. Restrictions on freedom of movement have ceased.”⁸ The decision notes that “[t]he human rights situation in the country has also improved. The government has relaxed some of its emergency legislation. It has withdrawn several provisions, including those dealing with the imposition of curfews, as well as those restricting processions and meetings once considered detrimental to national security.”⁹ The decision adds that “[t]his is not to say that Sri Lanka is a flourishing democracy that is responsive to the wishes and desires of its minority Tamil population.”¹⁰

The 2012 Country Guidance of the UK Border Agency details the treatment of the Tamil population in Sri Lanka:

3.6.4 Throughout the conflict, minorities suffered disproportionately – including at the hands of the now defeated Liberation Tigers of Tamil Eelam. The political rights of minorities, a key driver of the conflict, continued to be restricted in 2010. Tamil representatives continued to report discrimination from the government and security forces. Tamil civilians in Colombo were asked

³ U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2011: SRI LANKA at 1 (May 24, 2012), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dlid=186475>.

⁴ *Id.*

⁵ *Id.* at 2.

⁶ Australian Government Refugee Review Tribunal, Country Advice: Sri Lanka, LKA38454, at 1 (Apr. 5, 2011), <http://www.mrt-rrt.gov.au/ArticleDocuments/105/LKA38454.pdf.aspx>.

⁷ Immigration and Refugee Board of Canada: Refugee Protection Division, RPD No. VA9-02166 (Nov. 19, 2010), <http://www.irb-cisr.gc.ca/Eng/brdcom/references/pol/pers/Pages/va902166.aspx>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

to register their presence with their local police station in July [2010], and throughout 2010 arrests under the Emergency Regulations and Prevention of Terrorism Act primarily affected Tamils.

3.6.5 Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, and other matters controlled by the government. According to the SLHRC [Sri Lanka Human Rights Commission], Tamils also experienced discrimination in housing. Landlords were required to register any Tamil tenants and to report their presence to the police, although in practice many landlords did not comply. Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-age Tamil men by security forces and paramilitary groups.

3.6.6 In February 2012, Amnesty International reported ongoing unlawful detention practices in Sri Lanka whereby the Sri Lankan authorities “continue to arrest and detain suspects without minimal safeguards” often contributing to torture and custodial killings in a culture of impunity. The report documents numerous instances where such violations have taken place against Tamils, especially those perceived to support the LTTE. Similarly, Human Rights Watch noted in 2012 that Tamils who have been released after being sent to so-called rehabilitation centres report harassment by security forces after they returned home.

3.6.7 News articles published by Tamil Net regularly document harassment and beatings committed by security forces and attempts to forcibly relocate Tamil communities. For example, articles in 2012 reported that the Sinhala army and police “brutally attacked a number of Tamil youths below the age of 25, who were passing by the road” in Vanni and that “A gang of more than one hundred fifty Sinhalese who were brought to Channar village in Mannar district [...] by a government minister had threatened resettled Tamil families to leave the village immediately to give room for the majority community”. Chatham House reported in October 2011 that “Tamil men and women continue to be arbitrarily arrested, while an unspecified number remain in custody in detention centres to which the International Red Cross and domestic human rights organizations have no access”.¹¹

D. International Human Rights Reports

According to Amnesty International’s 2012 Annual Report on Sri Lanka, “[t]orture and other ill-treatment of criminal suspects and those detained on suspicion of links to the LTTE remained widespread, despite laws prohibiting torture.”¹²

In its submission on the UN Human Rights Council Universal Periodic Review of Sri Lanka, Amnesty International writes that “[i]n 2012, grave human rights violations continue to be reported, including arbitrary arrest and detention by the police and other members of the security forces, enforced disappearances, and torture and other ill-treatment. Many of the

¹¹ Home Office: UK Border Agency, Operational Guidance Note: Sri Lanka paras. 3.6.4–3.6.7 (Apr. 2012), <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicy/ogns/ognsrilankaogn?view=Binary>.

¹² AMNESTY INTERNATIONAL, ANNUAL REPORT 2012: SRI LANKA, <http://www.amnesty.org/en/region/sri-lanka/report-2012>.

victims are Tamils suspected of links to the LTTE, but Sinhalese and Muslim Sri Lankans are also victims.¹³

The 2012 World Report by Human Rights Watch (HRW) states that “[r]econciliation efforts, meant to address longstanding grievances of the ethnic Tamil population, have been slow at best.”¹⁴

According to Freedom House’s Freedom in the World 2012 report:

Tamils maintain that they face systematic discrimination in areas including government employment, university education, and access to justice. Legislation that replaced English with Sinhala as the official language in 1956 continues to disadvantage Tamils and other non-Sinhala speakers. Tensions between the three major ethnic groups (Sinhalese, Tamils, and Muslims) occasionally lead to violence, and the government generally does not take adequate measures to prevent or contain it. However, no major incidents were reported in 2011.

Since the end of the war, the government has ostensibly concentrated on rehabilitating former LTTE-controlled territory in the north and east (about 10–15 percent of the country) through economic development programs, but Tamil hopes for greater political autonomy remained unfulfilled. LTTE rule has been replaced by that of the army, which controls most aspects of daily life, including local government in some districts.¹⁵

A report by the UK-based organization, Freedom from Torture, highlighted incidents of torture and ill-treatment of Tamils returning voluntarily from the UK “due to a real or perceived association with the Liberation Tigers of Tamil Eelam (LTTE).”¹⁶

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¹³ Amnesty International, *Amnesty International Submission to the UN Universal Periodic Review: Sri Lanka* (Oct.–Nov. 2012), available at <http://reliefweb.int/sites/reliefweb.int/files/resources/asa370082012en.pdf>.

¹⁴ HUMAN RIGHTS WATCH (HRW), WORLD REPORT 2012: SRI LANKA, <http://www.hrw.org/world-report-2012/world-report-2012-sri-lanka>.

¹⁵ *Freedom in the World 2012 -- Sri Lanka*, FREEDOM HOUSE (Aug. 22 2012), <http://www.freedomhouse.org/report/freedom-world/2012/sri-lanka>.

¹⁶ News & Commentary, Freedom From Torture, New Research Highlights Risk for Tamils Returning to Sri Lanka from UK (Sept. 14, 2012), <http://www.freedomfromtorture.org/news-blogs/6659> (full report attached to Press Release).